

# EXHIBIT K

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

PARNELL COLVIN,  
Plaintiff,  
vs.  
M.J. DEAN CONSTRUCTION,  
INC.,  
Defendant.

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) CASE NO.:  
) 2:20-cv-01765-APG-EJY  
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**ORIGINAL**

VIDEO CONFERENCE DEPOSITION OF KEVIN GUTIERREZ  
LAS VEGAS, NEVADA  
THURSDAY, JULY 29, 2021

REPORTED BY: JACKIE JENNELLE, RPR, CCR #809  
JOB #416110

1 stadium, correct?

2 MR. ROSENTHAL: Objection, asked and  
3 answered.

4 BY MR. MARKS:

5 Q. You can answer.

6 MR. ROSENTHAL: If you know the answer, you  
7 can go ahead.

8 BY MR. MARKS:

9 Q. You can answer, correct?

10 A. I would have to explain what happened.

11 Q. You'll have a chance to explain.

12 You understood that this project was  
13 designated an essential project; isn't that true?

14 MR. ROSENTHAL: Objection, asked and  
15 answered.

16 BY MR. MARKS:

17 Q. You can still answer, sir.

18 A. I didn't know nothing about the governor.

19 Q. Okay. Fine.

20 Did you have anything to do with the lay --  
21 deciding who would be laid off?

22 A. No.

23 Q. Did you have anything to do with deciding  
24 who would be rehired?

25 A. No.



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1 A. I don't recall.

2 Q. Did you ever try to clean or take down the  
3 graffiti?

4 A. No.

5 Q. Do you know if anybody tried to clean or  
6 take down the graffiti?

7 A. Yes.

8 Q. Who did?

9 A. It would be the people that are in charge  
10 of the restrooms. It's reported to safety. Safety  
11 makes it an issue. They bring the restroom people  
12 out. They get rid of the graffiti.

13 Q. So, from your knowledge, was the graffiti  
14 cleaned up and then put back?

15 MR. ROSENTHAL: Objection, vague and  
16 ambiguous, incomplete hypothetical, lacks  
17 foundation.

18 BY MR. MARKS:

19 Q. You can answer.

20 A. Repeat the question, please.

21 Q. So your attorney can object. Unless he  
22 tells you, Don't answer, you're still going to  
23 answer.

24 So I can re-ask the question. He's going  
25 to make his objection. Keep the question in mind,

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1 and then I would expect you to answer.

2 Do you understand that?

3 A. Yes.

4 Q. Okay. Just by way of background, you said  
5 there had been racist graffiti at the Sphere project  
6 throughout the project, correct?

7 A. Yes.

8 Q. So do you recall a time when there was  
9 racist graffiti and then you noticed it was cleaned  
10 up and then you noticed it was put back in?

11 A. Yes.

12 Q. And how many different occasions did that  
13 happen?

14 A. 200.

15 Q. So during the -- this is during the  
16 one-year period from 2019 to 2020, this happened 200  
17 times?

18 A. It's an ongoing thing in construction.

19 Q. I'm talking about at the Sphere project.  
20 It happened 200 times during the year?

21 A. It's an estimate.

22 Q. Okay. If we went to the Sphere project  
23 today to the bathroom, would we see racist graffiti?

24 MR. ROSENTHAL: Objection, calls for  
25 speculation.

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## CERTIFICATE OF REPORTER


STATE OF NEVADA )  
 ) SS:  
COUNTY OF CLARK )

I, Jackie Jennelle, RPR, CCR #809, Clark County, State of Nevada, do hereby certify: That I reported the video conference deposition of KEVIN GUTIERREZ, commencing on THURSDAY, JULY 29, 2021, at 10:00 a.m.

That prior to being deposed, the witness was duly sworn by me to testify to the truth. That I thereafter transcribed my said shorthand notes into typewriting and that the typewritten transcript is a complete, true and accurate transcription of my said shorthand notes.

I further certify that I am not a relative or employee of counsel, of any of the parties, nor a relative or employee of the parties involved in said action, nor a person financially interested in the action.

IN WITNESS WHEREOF, I have set my hand in my office in the County of Clark, State of Nevada, this 9th day of August, 2021.

  
JACKIE JENNELLE, RPR, CCR #809



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